
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: August 2, 2006

SITE PLAN: **AFP-06-010**

TITLE: Kentlands Square – Sunoco

REQUEST: **AMENDMENT TO FINAL PLAN APPROVAL**
For service station/signage changes

ADDRESS: 121 Kentlands Boulevard

ZONE: MXD (Mixed Use Development)

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant: Core States Engineering – Jen Ugolic
Property Owner: Sunoco, Inc.

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments

- Exhibit 1: Application
- Exhibit 2: Site location map
- Exhibit 3: Photographs of existing conditions
- Exhibit 4: Mobil conversion to Sunco monument reimage
- Exhibit 5: Section 24-212(r) of the City Code: Service station signs
- Exhibit 6: Title sheet and sign schedules
- Exhibit 7: Existing site plan and existing photos
- Exhibit 8: Proposed site plan and proposed elevations
- Exhibit 9: Proposed building and sign ID details
- Exhibit 10: Proposed canopy and sign details
- Exhibit 11: Proposed car wash and sign details
- Exhibit 12: Approved site plan, K-1083
- Exhibit 13: Staff comments for AFP-06-010 - July 19, 2006
- Exhibit 14: DRAFT minutes for July 19, 2006, Planning Commission meeting
- Exhibit 15: Letter from John Barr, dated July 26, 2006
- Exhibit 16: Section 24-213A(f) of the City Code: Sign adjustments

STAFF COMMENTS

This request, AFP-06-010, was heard by the Planning Commission on July 19, 2006 (see Exhibit #13, Staff Comments and #14, DRAFT Planning Commission minutes). The subject application is for signage and façade changes at the exiting Mobil service station at 121 Kentlands Boulevard, which is being converted to a Sunoco station.

At the meeting, the applicant and the applicant's attorney reviewed the sign and façade modifications that were necessary to incorporate the Sunoco brand image. Staff pointed out to the Commission that the monument sign onsite identifying the service station is no longer in conformance with the City's sign ordinance (see Exhibit #4). The sign is approximately 150 square feet (10 feet high and 15 feet wide). According to §24-212(r)(3)(i) of the City Code:

"One monument sign depicting the brand of gasoline and the state pricing signage is permitted. All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) feet and no wider than ten (10) feet."

The applicant had proposed a new sign which decreased the amount of square footage so that the monument sign would be in compliance with the sign ordinance. The new monument sign proposed at the meeting is 80 square feet (8 feet high and 10 feet wide) complying with the requirements in §24-210(a)(1) which requires that the wall be included in the measurement of the wall.

During the Planning Commission's discussion of the proposed signage changes, it was noted the existing sign was made of brick at the bottom and had two brick piers which flanked both sides of the advertisement space. The Commission indicated that their desire was to retain the brick piers, as this location was a significant entry point to the neighborhood. The Commission deferred the item and directed staff to work with the applicant to reach a solution that would result in the sign maintaining the look and intent of the current design with the brick piers, but also having the sign conform to the ordinance. However, keeping the brick piers and brick base as they are will be in violation of the City's new sign ordinance because the width and height are both over the maximum allowed [§24-210(a)(1)]. The Commission may recall that as part of the Sign Ordinance review, concern was raised that more applicants were building large walls to bring attention to their signage and if the City wanted to see smaller less obtrusive signage that we should include the wall in the measurement of the sign.

After the Planning Commission meeting, staff contacted the applicant and suggested that the monument sign could be structurally modified to include advertising signage and brick piers. The only realistic approach to this method of making the entire sign smaller would require demolishing and rebuilding the sign. The applicant indicated they did not want to resort to that type of construction and requested the application be brought back to the Commission so they could ask for a sign

adjustment (see Exhibit #15). The findings upon which the Commission can provide an adjustment are listed in the sign ordinance in Section 24-213A(f)(Exhibit #16).

Staff does not support the provision of a sign adjustment in this case, as there is no evidence of unusual hardship put upon the applicant and it does not comply with code requirements. The sign can be rebuilt or modified in such a manner that any construction would be minimal in order for the sign to include brick piers and a brick base. Staff would advise the Commission to look at this request very carefully as it is the first adjustment request and will set a precedence for future applications requests.

In addition, it should also be noted that the applicants are required to provide base landscaping for the monument sign, according to Section 24-212(m)(7) of the City Code. A condition requiring this has been added.

The sign previously presented to the Commission (see bottom photo, Exhibit #4) on July 19, 2006, is in compliance the City code, but does not meet the design vision which the Commission requested of the applicant. The sign can be rebuilt to have brick piers and advertising signage while being no larger than ten (10) feet wide and eight (8) feet tall.

Should the Commission resolve the size and design of the monument sign, the following conditions should be added:

1. The applicant shall revise the sign schedule to reflect the correct number of signs to be located on the property; and
2. The applicant shall provide base landscaping for the monument sign

AMENDMENT TO FINAL PLAN APPLICATION

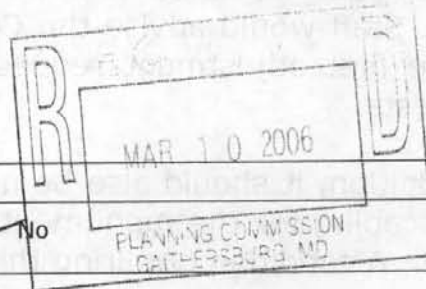
Application #

Date Filed

Total Fee

AFP-06-010
3-10-06
5000 PL

In accordance
with Section 24, Article V of the City Code



1. SUBJECT PROPERTY

Project Name Sunoco Conversion
Street Address 121 Kentland's Boulevard
Zone _____ Historic area designation ☐ Yes ☒ No
Lot 4 Block Q Subdivision 272
Tax Identification Number (MUST BE FILLED IN) 09-03203847

2. APPLICANT

Name Core States Engineering
Street Address 44355 Premier Plaza Suite No. 240
City Ashburn State VA Zip Code 20147
Daytime Telephone 703-723-9145

3. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name _____
Architect's Maryland Registration Number _____ Telephone _____
Street Address _____ Suite Number _____
City _____ State _____ Zip Code _____

Engineer's Name Core States Engineering
Engineer's Maryland Registration Number _____ Telephone 703-723-9145
Street Address 44355 Premier Plaza Suite Number 240
City Ashburn State VA Zip Code 20147

Developer's Name _____ Telephone _____
Street Address _____ Suite Number _____
City _____ State _____ Zip Code _____
Contact Person _____ Telephone _____

4. PROPERTY OWNER

Name Sunoco, Inc.
Street Address 1735 Market Street, 13th Floor Suite No. _____
City Philadelphia State PA Zip Code 19103
Daytime Telephone 215-977-3000

5. CITY PROJECT NUMBER

Original Site Plan Number K-1083 Date Approved _____
Name of previously approved Final Plan Mobil

AFP-06-010
#1
7-19-06

6. WORK DESCRIPTION

Please state clearly changes requested from final approved plan.

Reimage existing Mobil gas station to Sunoco. Proposing no structural changes. Changes only to signage and image.

7. PROJECT DETAIL INFORMATION

a. POPULATION CHANGES (if any)

N/A

Changes in population estimated due to amendment.

Employee estimate:

Total number

Total number per shift

Resident estimate:

Total number

Total number per dwelling unit

b. PLEASE SUPPLY THE FOLLOWING INFORMATION

DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site (square feet)			112,371
2. Site Area (acres)			2.57
3. Total Number of Dwelling Units/Lots			1
4. Height of Tallest Building			18'
5. Green Area (square feet)			
6. Number of Dwelling Units/Acre			1
7. Lot Coverage (Percent)			
8. Green Area (Percent)			
9. Residential			
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		
e. Other			
10. Retail/Commercial	Sq. Ft. 3168		
11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	Sq. Ft.		
12. Office/Professional	Sq. Ft.		
13. Warehouse/Storage	Sq. Ft.		
14. Parking			15
15. Shared Parking/Waiver			
16. Other			
17. Total			

SUBMISSION REQUIREMENTS

- Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
- Completion of the table above.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print)

Jennifer Ugolick

Applicant's Signature

Jennifer Ugolick

Date

3/10/06

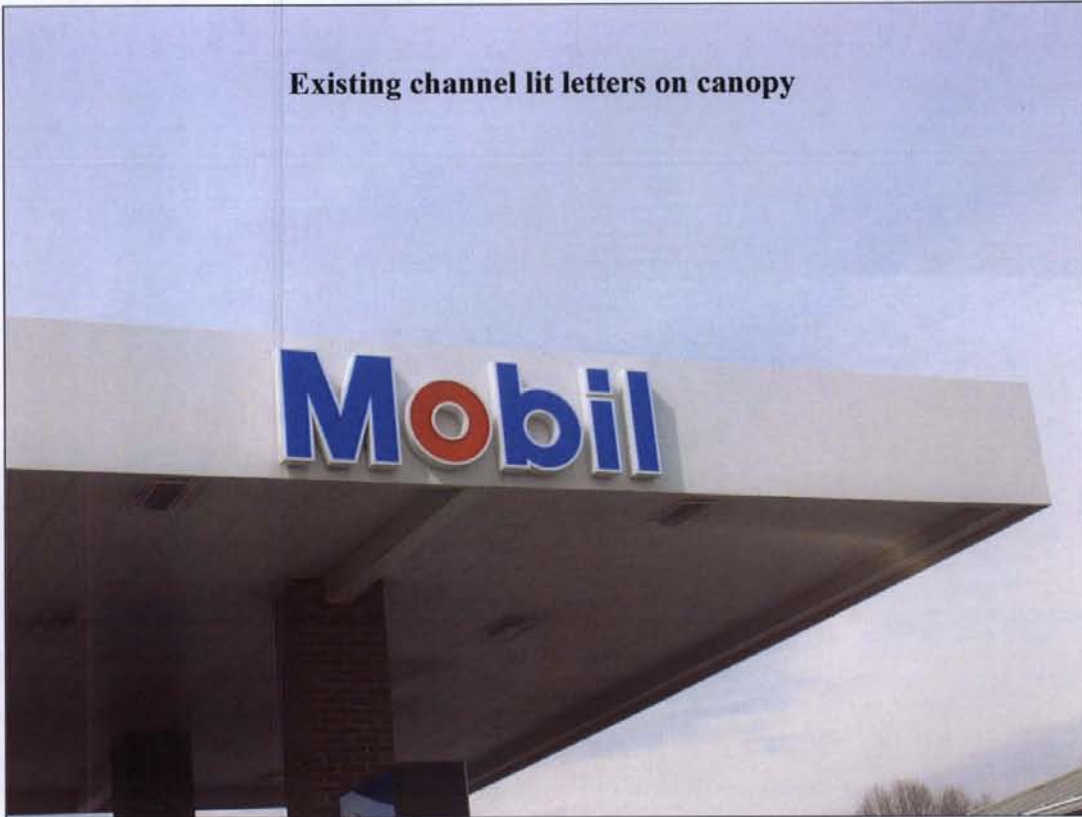
Daytime Telephone

703-723-9145

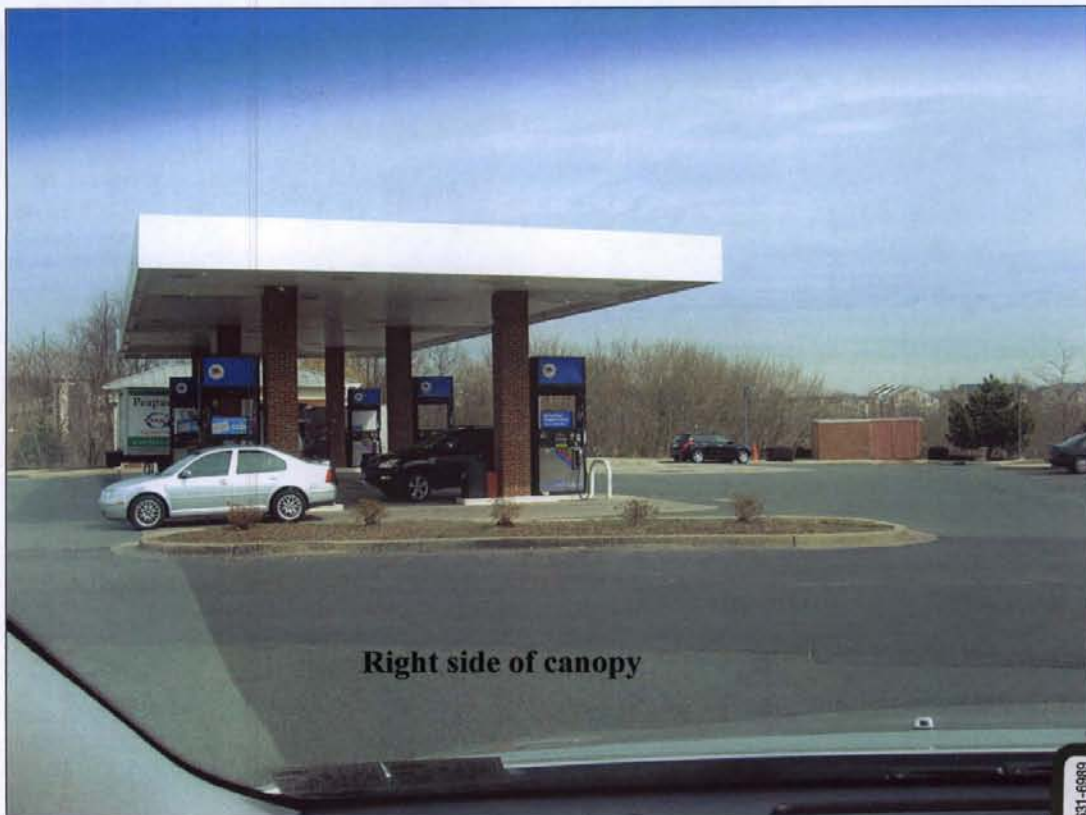


AFP-06-010
#2
7.19.06

Existing channel lit letters on canopy



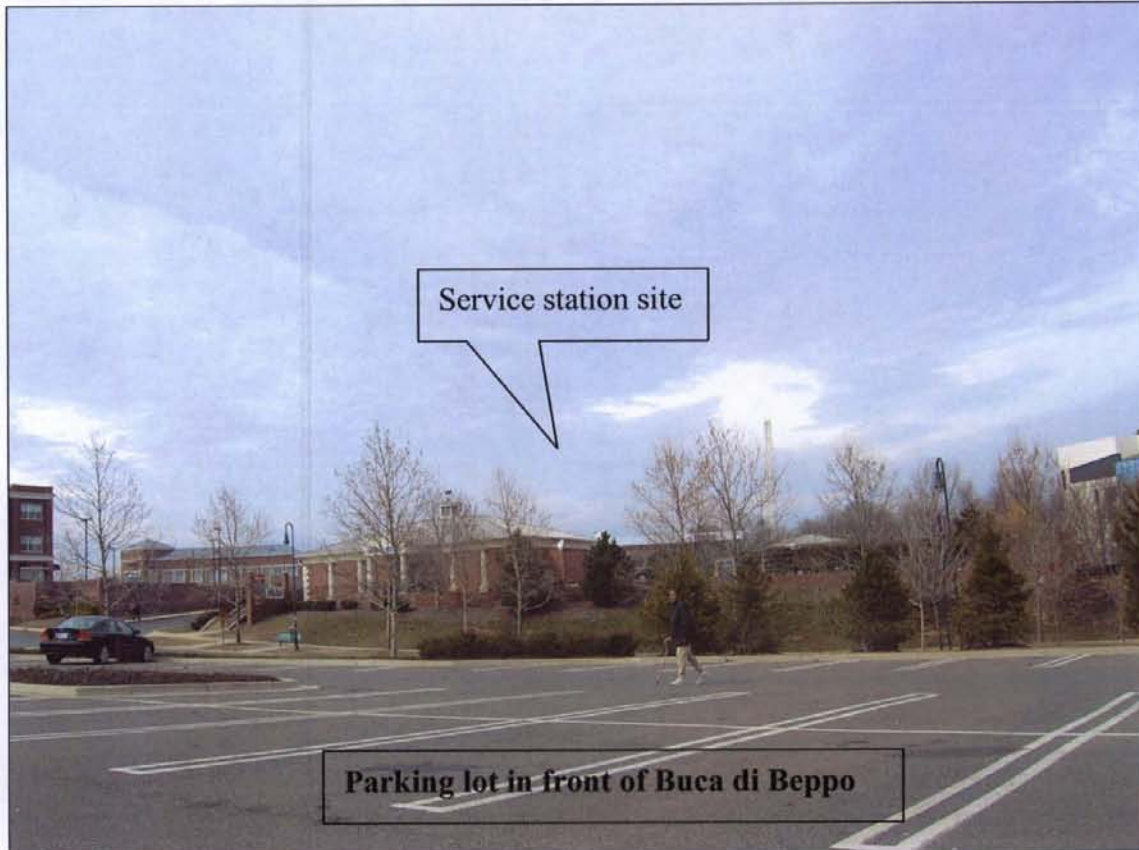
Right side of canopy



PENGAD 800-631-6989

AFP-06-010
3
7-19-06

Existing conditions – 121 Kentlands Blvd.





BEFORE



AFTER

121 Kentlands Blvd. Gaithersburg, MD



→ Regarding the Vie de France ID panel, it has been removed. I went out last week and found it is no longer there and Vie de France in the store is no longer there at

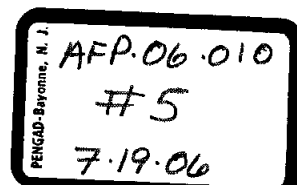
(p) *R-B zone signs:* In the R-B Zone, the total sign area on any lot shall not exceed one (1) square foot for each linear foot of building facing a street, and not more than one (1) square foot of signage for each linear foot of building frontage shall be allowed to face a single side of a building in this zone.

(q) *Roof signs:*

- (1) No sign shall be erected or constructed on the roof of any building including residentially occupied structures.
- (2) For the purpose of this regulation a roof shall be defined as the highest horizontal surface of any building, exclusive of any mechanical equipment structure on said roof.

→ (r) *Service station signs:*

- (1) There shall be a maximum of five hundred (500) square feet of total signage permitted at a single service station, including signage related to brand name (such as on canopy and pumps), pricing, and any accessory uses.
- (2) No more than one service station identification sign is permitted and said sign shall be no higher than six (6) feet in height and no greater than twenty-five (25) square feet in size. The sign must state the name of the service station and may have ancillary signage including, but not limited to, the inspection station number and additional services.
- (3) One monument sign depicting the brand of gasoline and the state pricing signage is permitted.
 - (i) All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) feet and no wider than ten (10) feet.
 - (ii) Each monument sign erected or structurally altered after the effective date of this article shall be no greater than eighty (80) square feet in size, including the state-required pricing signage.
 - (iii) All such signs erected prior to the effective date of this ordinance which are greater than eight (8) feet in height are permitted to remain unless modified in any way that requires the issuance of a permit, in which case they shall be required to conform to this ordinance.
 - (iv) Only one additional monument sign may be permitted, if the station is located on a through lot as defined in section 24-1.



(4) In addition to the maximum amount of signage permitted in subsection 24-212(r)(1) above, one promotional banner not exceeding forty-eight (48) square feet shall be permitted at all times and can only be attached to the pump canopy and its supports, a kiosk or a station house, and must not interfere with pedestrian walkways. Section 24-211(a) does not apply to these banners.

(5) Exterior merchandise displays are prohibited except that vending machines bearing product identification shall be permitted within an enclosed area or adjacent to a building wall and auto-related products or soft drinks only can be displayed in the vicinity of the pump islands, station house or kiosk. Subsection 24-210A(i) does not apply to signs on such displays. Such displays must not impede vehicular or pedestrian traffic.

(s) *Window signs:*

(1) Signs shall be permitted inside a window so as to be visible from the outside of the building without reference to the area limitation contained in subsection 24-212(c); provided, that the total area of each window sign shall not exceed fifty (50) percent of the total window area of each individual window, and the total area and all window signs shall not exceed the maximum allowable permanent signage permitted by this article.

(2) The provisions of this subsection shall also apply to messages painted on a window, such messages to be considered a "window sign" under this subsection.

(3) Signs advertising charitable organizations, events or activities shall not be included in the regulations contained in this section.

(4) No exterior window signs are permitted.

(5) Neon signs are covered by the provisions of subsection 24-212(t).

(6) A permit is not required for window signs which are placed on the inside of a window.

(t) *Window neon signs:*

(1) Neon signs located inside a window and visible from the exterior may be located within each individual business location and must be set back a minimum of six (6) inches from the window to prevent glare.

(2) Neon signs will be limited to a total area of five (5) square feet for each business location and will be included in the total allowable signage for the building and windows.

SUNOCO CONVERSION

DUNS #0622-4380 (5161)
121 KENTLANDS BLVD.
GAITHERSBURG, MD.

- SHEET 1 - TITLE SHEET AND SIGN SCHEDULES
- SHEET 2 - EXISTING SITE PLAN AND EXISTING PHOTOS
- SHEET 3 - PROPOSED SITE PLAN AND PROPOSED ELEVATIONS
- SHEET 4 - PROPOSED BUILDING & SIGN & ID DETAILS
- SHEET 5 - PROPOSED CANOPY & SIGN DETAILS
- SHEET 6 - PROPOSED CAR WASH & SIGN DETAILS

EXISTING SIGN SCHEDULE						
MARK	DESCRIPTION	SIZE	AREA	QTY.	TOTAL SF	ILLUM'D.
1	ID SIGN	3'-2"(H) x 7'-6"(W)	23.75 SF	1	23.75 SF	YES
2	MART PANEL	2'-6"(H) x 4'-8"(W)	11.67 SF	1	11.67 SF	YES
3	PRICE SIGN	4'-3"(H) x 4'-8"(W)	19.83 SF	1	19.83 SF	YES
4	"Vie de France" SIGN	3'-2"(H) x 7'-6"(W)	23.75 SF	1	23.75 SF	YES
5	WASH SIGN	1'-4"(H) x 4'-8"(W)	6.22 SF	1	6.22 SF	YES
6	CANOPY SIGNS	3'-0"(H) x 8'-0"(W)	24.00 SF	2	48.00 SF	YES
7	BUILDING MOBIL MART SIGN	2'-0"(H) x 15'-0"(W)	30.00 SF	2	60.00 SF	YES
8	BUILDING SIGN PANEL	3'-2"(H) x 7'-6"(W)	23.75 SF	1	23.75 SF	YES
9	CAR WASH SIGN	2'-0"(H) x 20'-8"(W)	41.33 SF	1	41.33 SF	YES
10	CAR WASH SNAPLOCK	2'-0"(H) x 4'-0"(W)	8.00 SF	1	8.00 SF	NO
TOTAL					266.30 SF	

PROPOSED SIGN SCHEDULE						
MARK	DESCRIPTION	SIZE	AREA	QTY.	TOTAL SF	ILLUM'D.
1	ID SIGN	3'-6"(H) x 5'-0"(W)	17.50 SF	1	17.50 SF	YES
2	A-PLUS PANEL	1'-5"(H) x 5'-0"(W)	7.08 SF	1	7.08 SF	YES
3	PRICE SIGN	3'-6"(H) x 5'-0"(W)	17.50 SF	1	17.50 SF	YES
4	CAR WASH PANEL	1'-5"(H) x 5'-0"(W)	7.08 SF	1	7.08 SF	YES
5	SUNOCO CANOPY SIGNS	1'-9"(H) x 11'-3"(W)	19.89 SF	2	39.38 SF	YES
6	A-PLUS BUILDING SIGN	3'-6"(H) x 7'-0"(W)	24.50 SF	2	49.00 SF	YES
7	GULLIVERS COFFEE	4'-6"(H) x 5'-4"(W)	24.00 SF	1	24.00 SF	YES
8	CAR WASH SIGN	1'-6"(H) x 18'-0"(W)	19.50 SF	1	19.50 SF	YES
9	"ENTER" SIGN	9"(H) x 3'-3"(W)	2.44 SF	1	2.44 SF	NO
10	"EXIT" SIGN	9"(H) x 2'-5"(W)	1.81 SF	1	1.81 SF	NO
11	A-PLUS BUILDING GRAPHICS	2'-6"(H) x 5'-4"(W)	13.33 SF	1	13.33 SF	NO
12						
TOTAL					198.62	

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Address:		SUNOCO INC. PHILADELPHIA, PA. 19103-1699		Project:		SUNOCO - 0622-4380 121 Kentlands Blvd - Gaithersburg, MD 20878 (5161)			
Title:		Title Sheet & Signage Schedule		Rev. #		Date			
Description		1		05/24/06		ID Monument Change			
Description		2		05/25/06		Landscape Removal			
Description		3		06/29/06		Client Comments			
Description		4		07/12/06		City Comments			

AFP.06.010
#6
7-19-06



Elevation A
EXISTING BUILDING FRONT ELEVATION



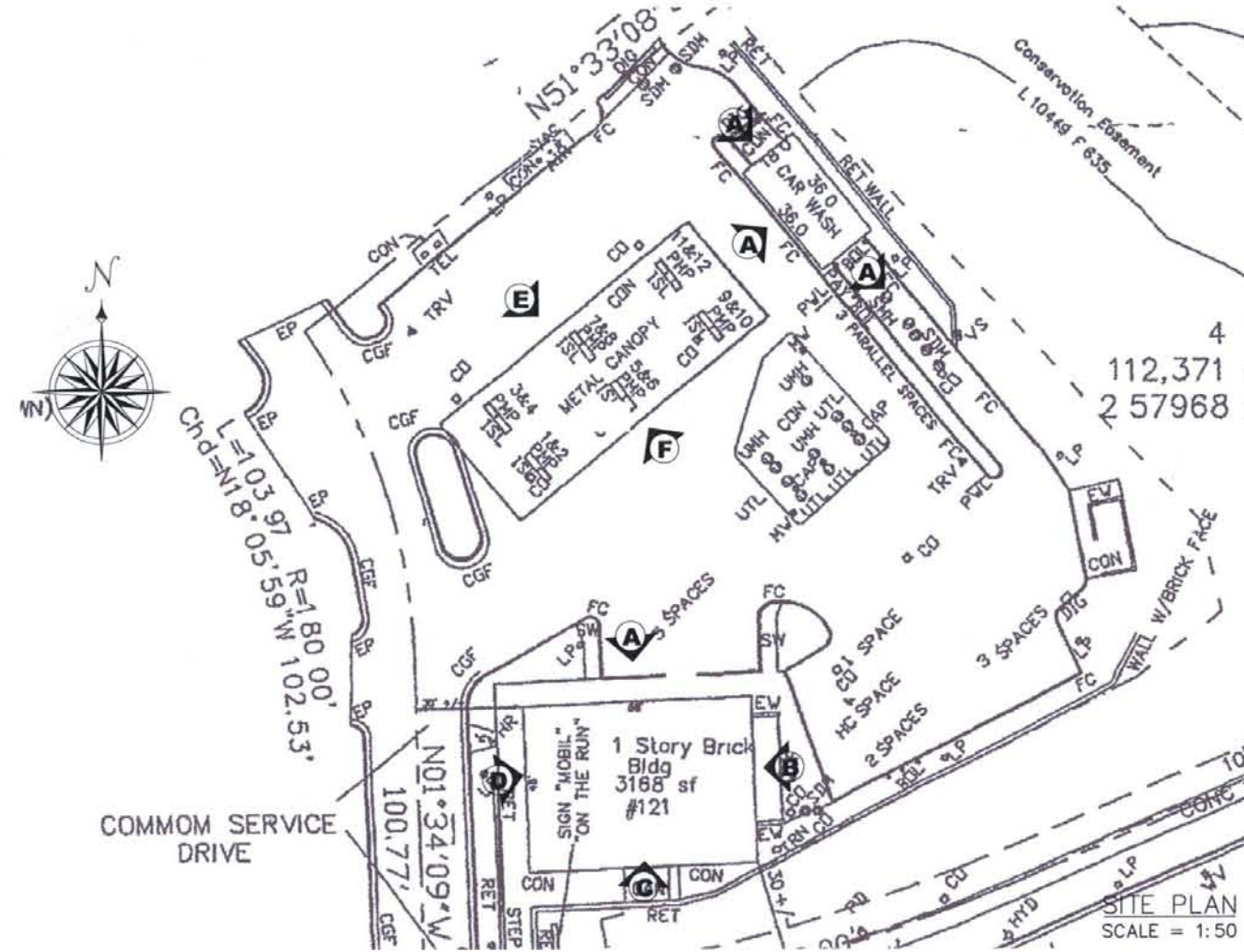
Elevation B
EXISTING BUILDING RIGHT SIDE ELEVATION



Elevation C
EXISTING BUILDING REAR ELEVATION



Elevation D
EXISTING BUILDING LEFT SIDE ELEVATION



Elevation E
EXISTING CANOPY FRONT ELEVATION



Elevation F
EXISTING CANOPY REAR ELEVATION



Elevation G
EXISTING CAR WASH FRONT ELEVATION



Elevation H
EXISTING CAR WASH ENTRANCE ELEVATION



Elevation I
EXISTING CAR WASH EXIT ELEVATION



Elevation J
EXISTING PRICE MONUMENT

Rev. #	Date	Description	Issued for
1	05/24/06	ID Monument Changes	
2	05/25/06	Landscape Removal	
3	06/29/06	Client Comments	
4	07/12/06	City Comments	

Address: **SUNOCO INC.**
PHILADELPHIA, PA. 19103-1699

Project: **SUNOCO - 06222-4380**
121 Kentlands Blvd - Gaithersburg, MD 20878 (5161)

Title: **Existing Site Plan & Existing Photos**

CORE STATES
ENGINEERING

44355 Premier Plaza, Suite 240
703-729-1451 / 703-725-9857
core@core-eng.com

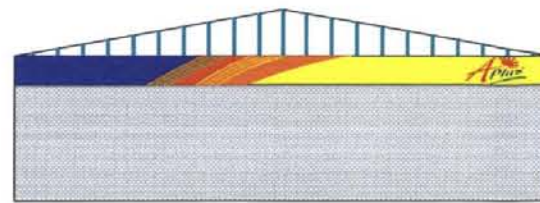
Job#: SUN-3551
Scale: AS SHOWN
Date: 9/01/05
Drawn By: KLL
Checked By: JLU

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AFP-06-010
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7.19.06



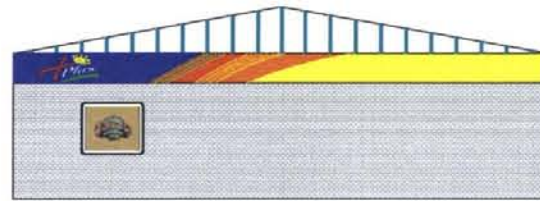
Elevation A
PROPOSED BUILDING FRONT ELEVATION



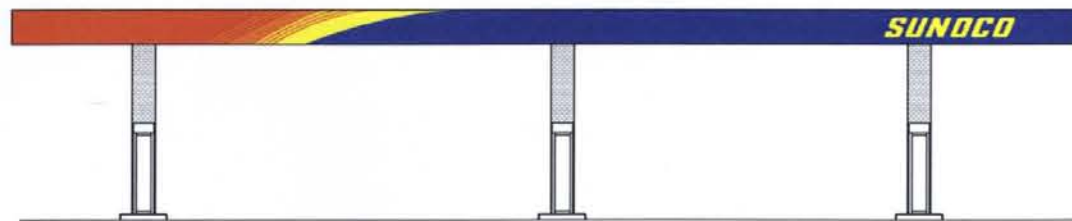
Elevation B
PROPOSED BUILDING LEFT SIDE ELEVATION



Elevation C
PROPOSED BUILDING BACK ELEVATION



Elevation D
PROPOSED BUILDING RIGHT SIDE ELEVATION



Elevation E
PROPOSED CANOPY FRONT ELEVATION



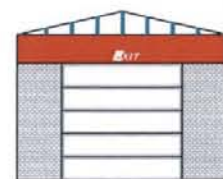
Elevation F
PROPOSED CANOPY RIGHT SIDE ELEVATION



Elevation G
PROPOSED CANOPY BACK ELEVATION



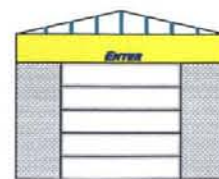
Elevation H
PROPOSED CANOPY LEFT SIDE ELEVATION



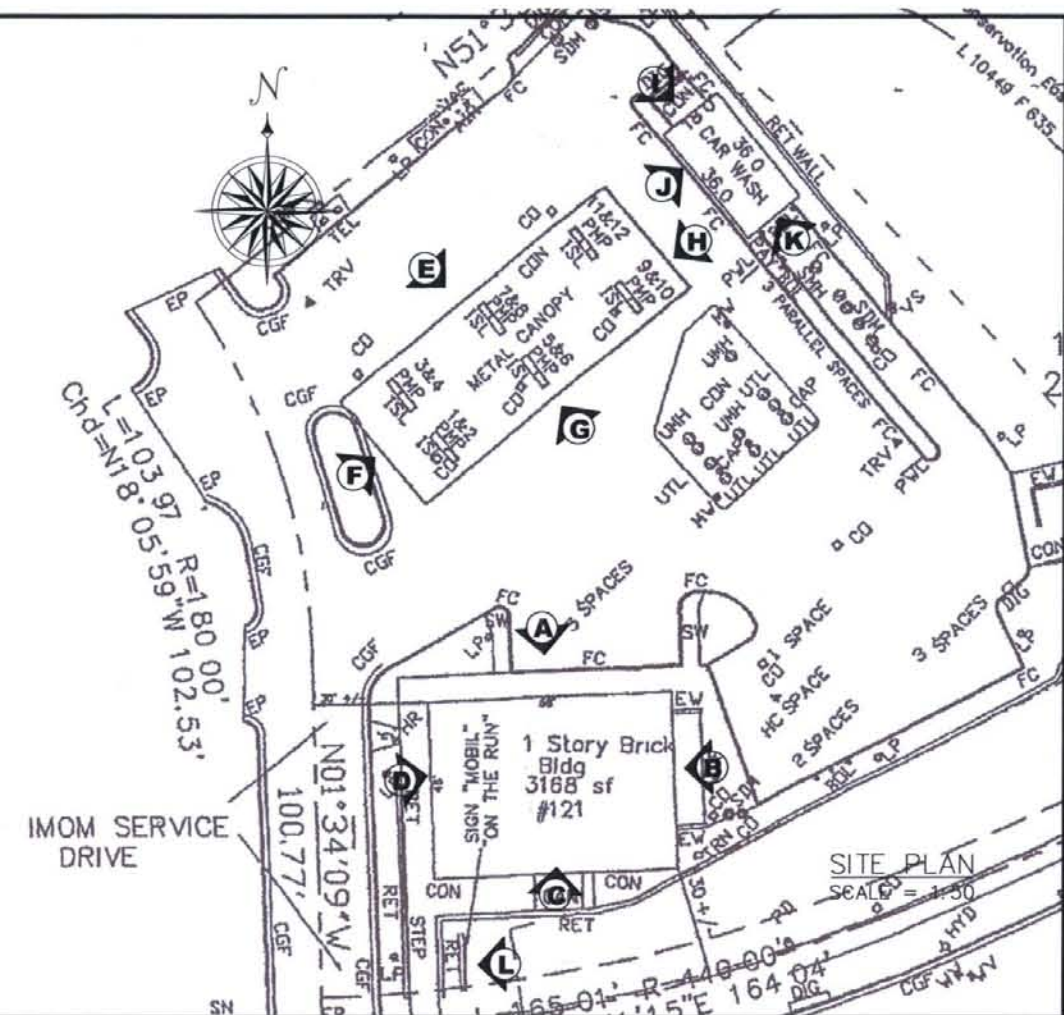
Elevation I
PROPOSED CAR WASH EXIT ELEVATION



Elevation J
PROPOSED CAR WASH FRONT ELEVATION



Elevation K
PROPOSED CAR WASH ENTRANCE ELEVATION



Regular	2.17 ⁹	
Plus	2.27 ⁹	
Ultra 93	2.37 ⁹	

Elevation L
PROPOSED PRICE MONUMENT

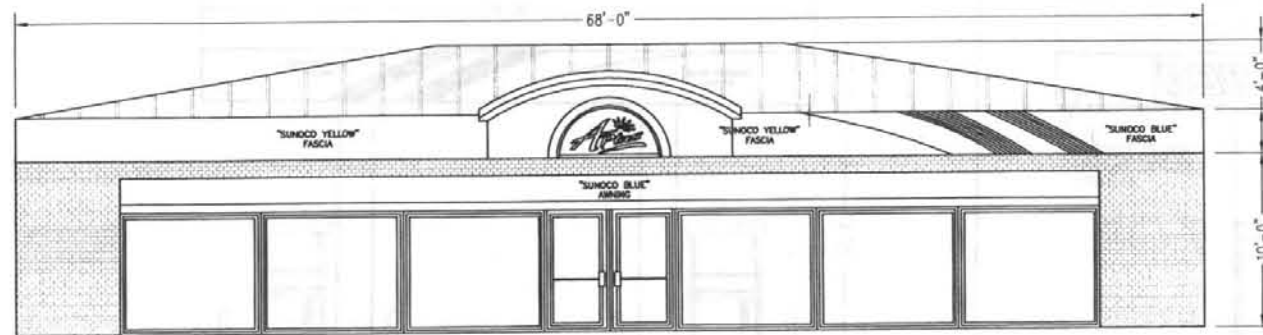
Rev #	Date	Description
1	05/24/06	Initial Design
2	05/25/06	Landscaping Removal
3	06/29/06	Client Comments
4	07/12/06	City Comments

Address:	SUNOCO INC. PHILADELPHIA, PA. 19103-1699
Project:	SUNOCO - 0622-4380 121 Kentlands Blvd - Gaithersburg, MD 20878 (5161)
Title:	Proposed Site Plan & Elevations

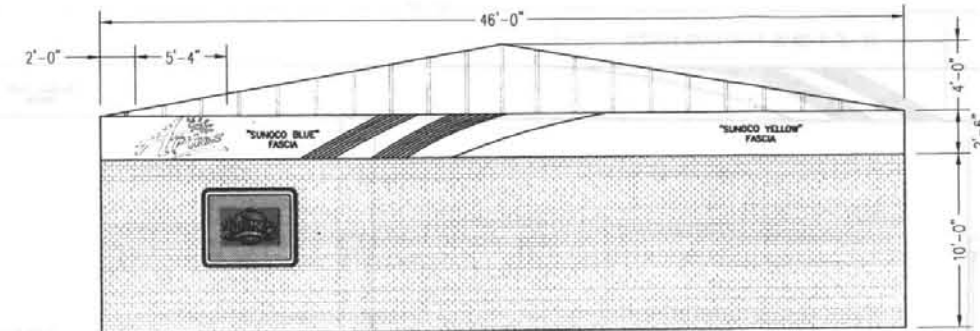
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Scale:	As Noted
Date:	9/01/05
Drawn By:	KLL
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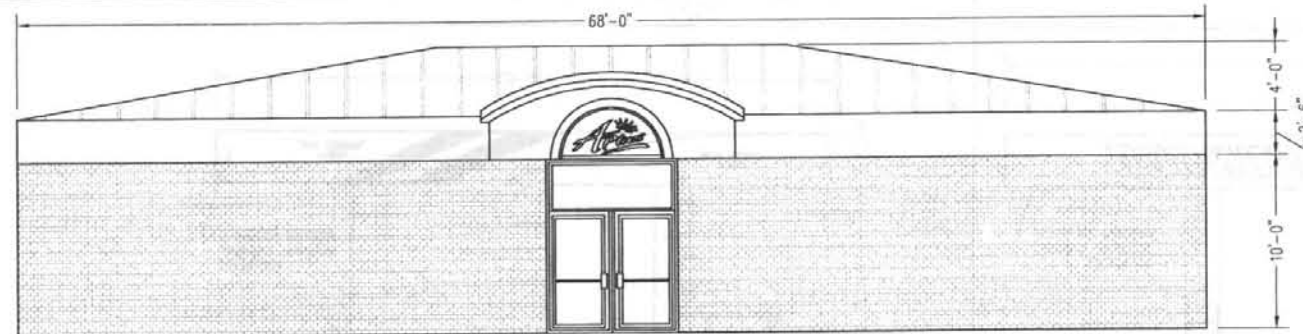
PENNAD 800-631-6869
 AFP-06-010
 #8
 7-19-06



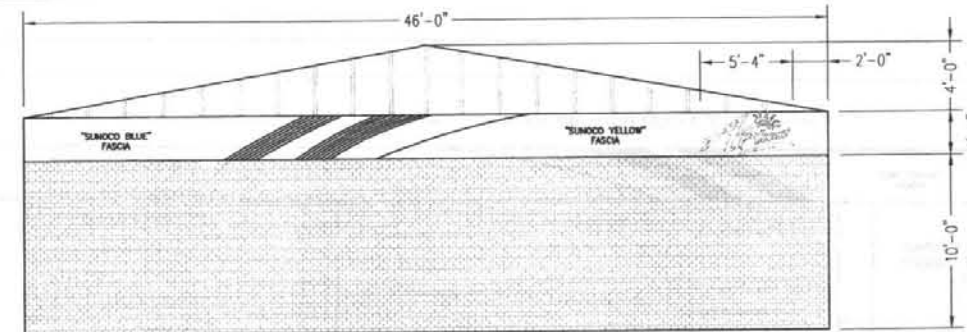
PROPOSED BUILDING FRONT ELEVATION
SCALE: 3/32" = 1'-0"



PROPOSED BUILDING RIGHT SIDE ELEVATION
SCALE: 3/32" = 1'-0"



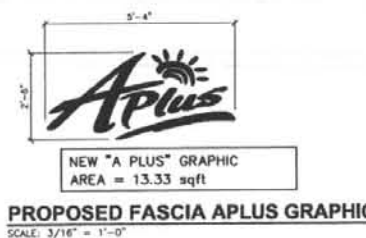
PROPOSED BUILDING REAR ELEVATION
SCALE: 3/32" = 1'-0"



PROPOSED BUILDING LEFT SIDE ELEVATION
SCALE: 3/32" = 1'-0"

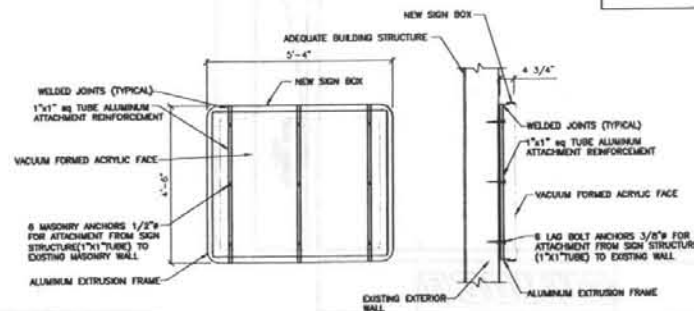


PROPOSED BUILDING WALL SIGN
SCALE: 3/16" = 1'-0"

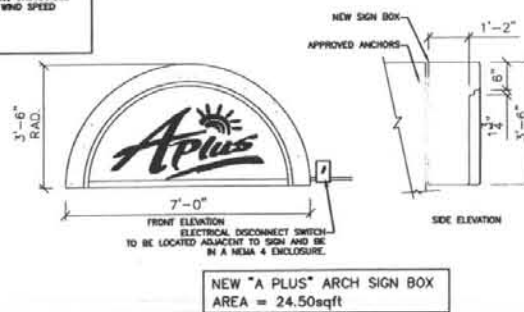


PROPOSED FASCIA APLUS GRAPHIC
SCALE: 3/16" = 1'-0"

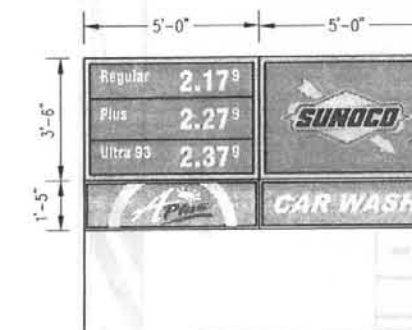
- NOTES:**
- 1) SIGN AND FRAME TO BE DESIGNED AND CONSTRUCTED FOR 140 MPH WIND LOAD AND THIS SIGN HAS BEEN DESIGNED IN ACCORDANCE TO ALL CODES, ORDINANCES AND IN AGREEMENT TO THE STANDARD BUILDING CODE AND BASIC WIND SPEED
 - 2) ALL ILLUMINATED SIGNS TO BE OPAQUE



PROPOSED BUILDING WALL SIGN ATTACHMENT DETAIL
SCALE: 3/16" = 1'-0"



PROPOSED 7' ILLUMINATED ARCH
SCALE: 3/16" = 1'-0"



PROPOSED PRICE MONUMENT
SCALE: 3/16" = 1'-0"

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Rev. #	Date	Description	Issued for
1	05/24/06	ID Monument Changes	-
2	05/25/06	Landscape Removal	-
3	06/29/06	Client Comments	-
4	07/12/06	City Comments	-

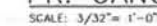
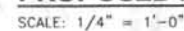
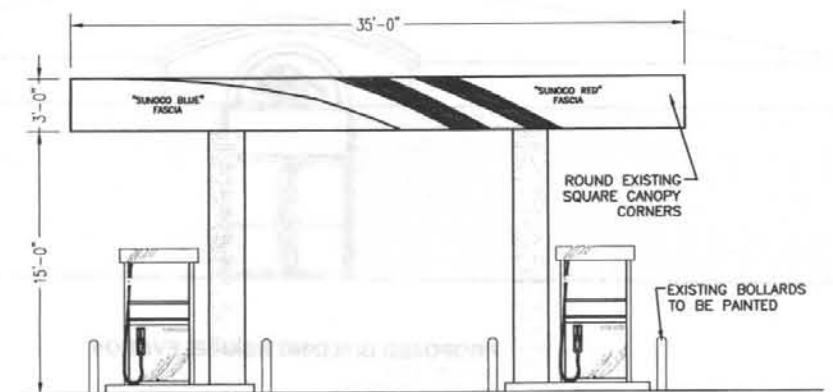
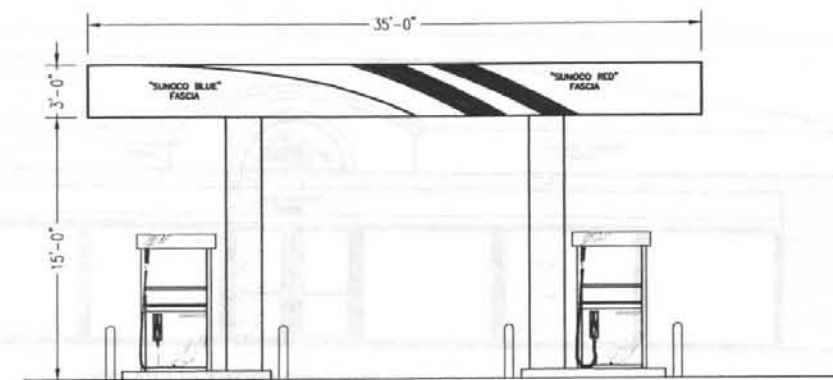
SUNOCO INC.
PHILADELPHIA, PA. 19103-1699
SUNOCO - 0622-4380
121 Kentlands Blvd - Gaithersburg, MD 20878 (5161)
Project:
Title: **Proposed Building & Sign & ID Details**

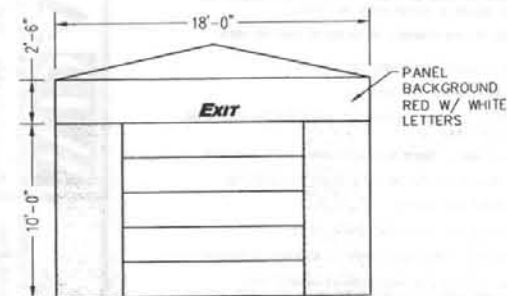
CORE STATES ENGINEERING
44355 Frontier Plaza, Suite 240
Arlington, VA 22204
703-723-9145 fax 703-723-9657
ccs@core-eng.com

Job#: SUN-3551
Scale: As Noted
Date: 9/01/05
Drawn By: KLL
Checked By: JLU

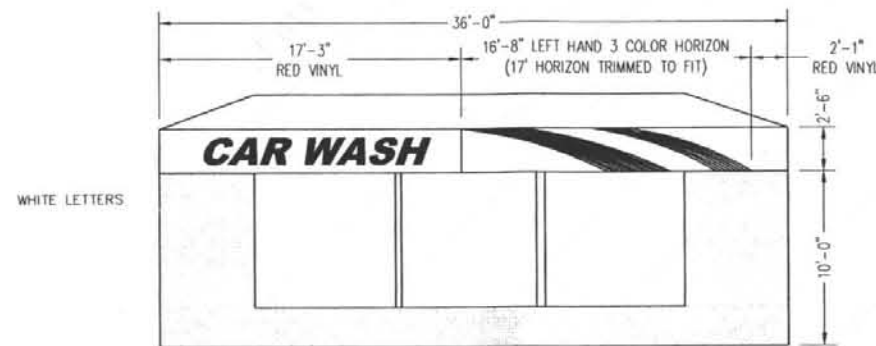
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AFR.06.010
#9
7.19.06

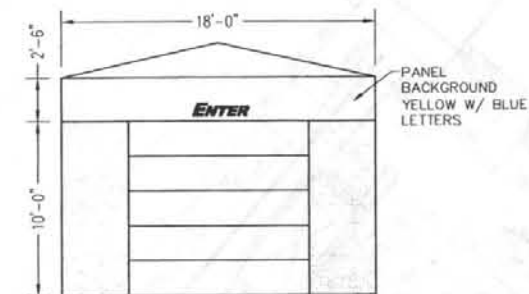




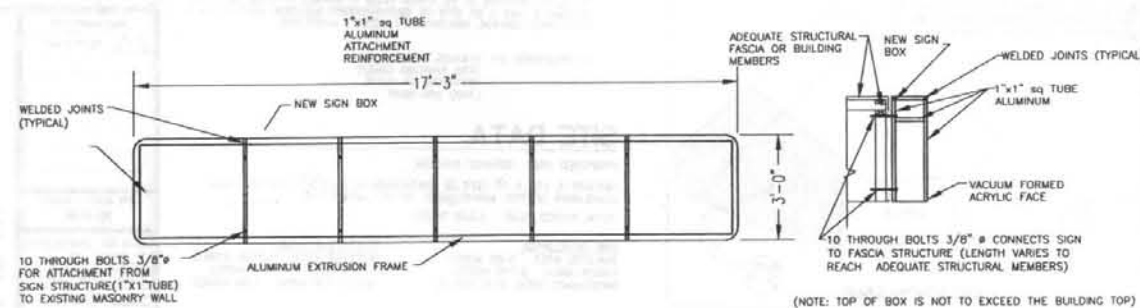
PROPOSED CARWASH EXIT
SCALE: 3/32" = 1'-0"



PROPOSED CARWASH FRONT
SCALE: 3/32" = 1'-0"



PROPOSED CARWASH ENTRANCE
SCALE: 3/32" = 1'-0"



PR. FASCIA CARWASH SIGN AND ATTACHMENT DETAILS
SCALE: 3/16" = 1'-0"



PR. FASCIA ENTER GRAPHIC
SCALE: 3/16" = 1'-0"

NEW "ENTER" GRAPHIC
AREA = 2.44 sqft



PR. FASCIA EXIT GRAPHIC
SCALE: 3/16" = 1'-0"

NEW "EXIT" GRAPHIC
AREA = 1.81 sqft



PR. FASCIA CARWASH SIGN BOX AND DETAILS
SCALE: 3/16" = 1'-0"

NEW "CARWASH" SIGN BOX
AREA = 19.50 sqft

Rev. #	Date	Description	Issued for
1	05 24 06	ID Monument Changes	-
2	05 25 06	Landscape Removal	-
3	06 29 06	Client Comments	-
4	07 12 06	City Comments	-

Address: **SUNOCO INC.**
PHILADELPHIA, PA. 19103-1699

Project: **SUNOCO - 0622-4380**
121 Kentlands Blvd - Gaithersburg, MD 20878 (5161)

Title: **Proposed Car Wash & Sign Details**

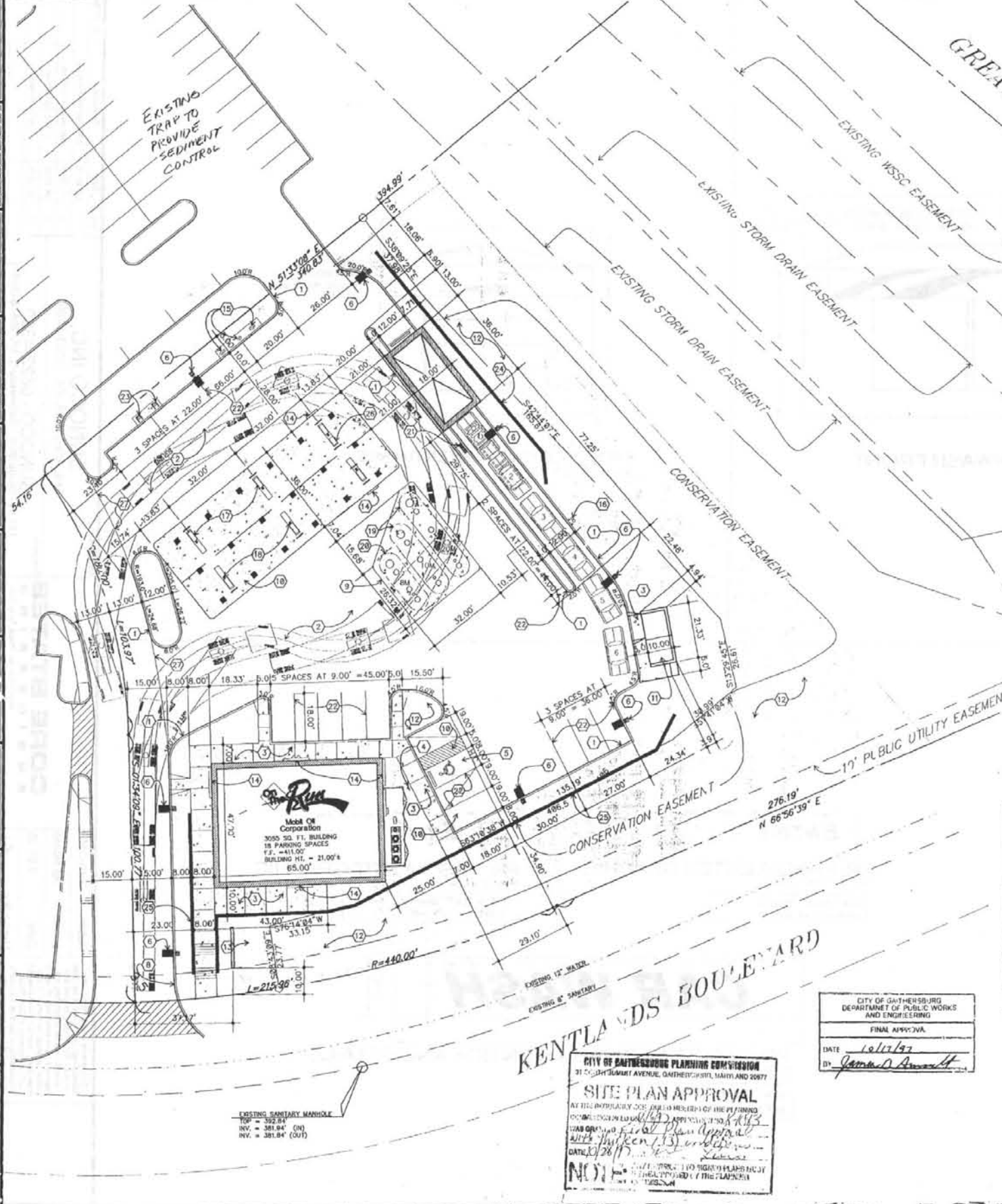
CORE STATES
ENGINEERING
44355 Premier Plaza, Suite 240
703-723-9345 Fax 703-723-9657
cstates@core-eng.com

Job#:	SUN-3551
Scale:	As Noted
Date:	9 01 05
Drawn By:	KLL
Checked By:	JLU

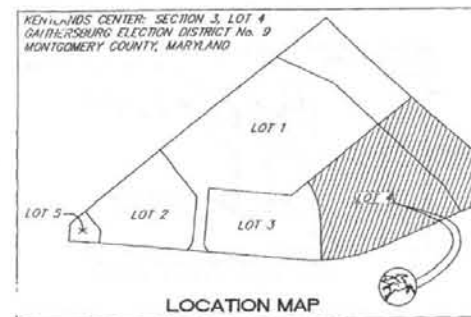
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PENGAD-Bayonne, N. J.
AFP-06-010
#11
7.19.06



A MARYLAND REGISTERED PROFESSIONAL
ENGINEER OR ARCHITECT SEAL AND
SIGNATURE ON PLANS WILL BE ACCEPTED
AS PRIMA FACIE EVIDENCE THAT PLANS
ARE IN COMPLIANCE WITH APPLICABLE
CODES AND REGULATIONS.



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KEYED NOTES

- (1) 6" CURB AND GUTTER PER DETAIL C1.1-01
- (2) NEW ASPHALTIC CONCRETE PAVING, SEE DETAIL C1.1-02
- (3) CONCRETE SIDEWALK, SEE DETAIL C1.1-03
- (4) GENERAL CONTRACTOR TO PROVIDE AND INSTALL 1 POST FOR HANDICAP PARKING SIGNS. SIGNS PROVIDED BY GENERAL CONTRACTOR TO MEET LOCAL REQUIREMENTS. SEE DETAIL C1.1-04
- (5) SLOPE ASPHALT UP TO TOP OF SIDEWALK (MAX. 1:50), AT HANDICAP SPACE ONLY. INCLUDE PARKING BLOCK. SEE DETAIL C1.1-05
- (6) SITE LIGHTS, CONTROLS, AND POWER BY GENERAL CONTRACTOR. SEE SHEETS C3 AND C5.
- (7) NOTE NOT USED
- (8) TAPER LAST 10' OF 6" CONCRETE CURB FROM TYPICAL CURB DETAIL TO MEET AND MATCH CONFIGURATION AND ELEVATION OF EXISTING ADJOINING CURB OR PAVEMENT.
- (9) 8" CONCRETE SLAB WITH 6x6 - W2.9 x W2.8 WOVEN WIRE FABRIC, ALLOW 3" CLEAR FROM ALL EDGES.
- (10) PAINTED YELLOW STRIPING TO DELINEATE LOADING AREA
- (11) TRASH/STORAGE ENCLOSURE, SEE SHEET C1.2
- (12) SOO/LANDSCAPING, SEE SHEET L1.
- (13) PROPOSED SITE SIGN. VERIFY SIZE AND LOCATION WITH MOBIL REPRESENTATIVE.
- (14) BUILDING SIGNS. VERIFY SIZE WITH MOBIL REPRESENTATIVE.
- (15) AIR/ VACUUM SYSTEM ON 4'x 8' x 6" CONCRETE PAD.
- (16) VENT RISER AND BUMPER.
- (17) MULTI-PRODUCT DISPENSER TYPICAL OF (6)
- (18) 2A10BC FIRE EXTINGUISHER. ONE (1) AT EACH DISPENSER.
- (19) (1) 10M AND (1) 20M UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANKS WITH VAPOR RECOVERY SYSTEM.
- (20) (1) BM UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANK (DIESEL)
- (21) CARWASH INSTRUCTION/COIN BOX
- (22) PAINTED YELLOW STRIPING
- (23) TELEPHONE BOOTHS
- (24) RETAINING WALL (HEIGHT VARIES FROM 3'-6") SEE DETAIL C1.1-07
- (25) RETAINING WALL WITH BRICK VENEER AND HANDRAIL SEE DETAIL C1.1-08 (HEIGHT VARIES FROM 2'-6")
- (26) SINGLE HOSE DIESEL DISPENSER TYPICAL OF (1)
- (27) LIMITS OF ASPHALT PAVING (ROAD CONSTRUCTION BY DEVELOPER)

PARKING TABULATION

REQUIRED PARKING = CONVENIENCE STORE = 1 SPACE PER 200 S.F.
3055 SQUARE FOOT BUILDING
3055 S.F. / 200 = 16 SPACES

PROVIDED PARKING = 16 SPACES + 1 H.C. SPACE
= 17 SPACES TOTAL

STAKING NOTES

1. THE BUILDING AND PARKING ARE PERPENDICULAR AND/OR PARALLEL TO S01°34'09"E, N66°56'39"E, AND N51°33'08"E
2. ALL EXISTING CONDITIONS, TOPOGRAPHY, UTILITIES, EASEMENTS & LEGAL DESCRIPTIONS WERE TAKEN FROM A SURVEY OF LAND SITUATED IN SECTION 3, LOT 4 OF CITY OF GAITHERSBURG ELECTION DISTRICT No.9 KENTLANDS CENTER, MONTGOMERY COUNTY MARYLAND

AS PREPARED BY: SUMNER CONSULTING
3155 KINROSS CIRCLE
HERNDON, VA 20171
(703) 481-9281

SITE DATA

PROPOSED USE: SERVICE STATION
SECTION 3, LOT 4 OF CITY OF GAITHERSBURG ELECTION DISTRICT No.9
KENTLANDS CENTER, MONTGOMERY COUNTY MARYLAND
TOTAL PARCEL SIZE: 2.579 ACRES

PRE-DEVELOPED:	POST-DEVELOPED:
BUILDING AREA: 0.00 ACRES	BUILDING AREA: 0.0701 ACRES
GREEN AREA: 2.579 ACRES	GREEN AREA: 1.4189 ACRES
IMPERVIOUS AREA: 0.00 ACRES	IMPERVIOUS AREA: 1.09 ACRES

BUILDING DATA

CONVENIENCE STORE:
BUILDING AREA: 3055 S.F.
BUILDING HEIGHT: 21± MAX.
CONSTRUCTION TYPE: MASONRY



850 Michigan Avenue
Columbus, Ohio 43215
Phone (614) 221-0840
Fax (614) 221-2484
EBS (614) 225-0971

WD A&E
Wellman Development Architects & Engineers Limited Inc.

FRANCE
Viede



REVISION	
1	10/0

[illegible]

SITE SURVEY 18-PJ

Mobil Oil Corp.
This document contains
confidential information

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4.826

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"THE KENTLANDS"; GAITHERSBURG, MARYLAND

SITE IMPROVEMENT PLAN

PENGAD-Sayonne, N. J.

AFP-06-010
#12
7-19-06

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: July 19, 2006

SITE PLAN: **AFP-06-010**

TITLE: Kentlands Square – Sunoco

REQUEST: **AMENDMENT TO FINAL PLAN APPROVAL**
For service station/signage changes

ADDRESS: 121 Kentlands Boulevard

ZONE: MXD (Mixed Use Development)

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant: Core States Engineering – Jen Ugolic
Property Owner: Sunoco, Inc.

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments

- Exhibit 1: Application
- Exhibit 2: Site location map
- Exhibit 3: Photographs of existing conditions
- Exhibit 4: Mobil conversion to Sunco monument reimage
- Exhibit 5: Section 24-212(r) of the City Code: Service station signs
- Exhibit 6: Title sheet and sign schedules
- Exhibit 7: Existing site plan and existing photos
- Exhibit 8: Proposed site plan and proposed elevations
- Exhibit 9: Proposed building and sign ID details
- Exhibit 10: Proposed canopy and sign details
- Exhibit 11: Proposed car wash and sign details
- Exhibit 12: Approved site plan, K-1083

PERCAD 800-631-6989

AFP.06.010
#13
8.2.06

STAFF COMMENTS

Core States Engineering, on behalf of Sunoco Inc., has submitted this Amendment to Final Plan request for service station and signage changes at 121 Kentlands Boulevard. This property is located on the corner of Kentlands Boulevard and Great Seneca Highway in the Kentlands Square shopping center (Exhibit #2). The Planning Commission approved the original site plan, K-1083, in August of 1997. The site is currently operating as a Mobil gas station with a convenience store and onsite car wash.

Sunoco Inc. has retained ownership of the service station and is in the process of converting the existing Mobil into a Sunoco. This has resulted in the proposal of signage and façade changes to incorporate the Sunoco brand image.

The existing monument sign, identifying the service station, is approximately 150 square feet (10 feet high and 15 feet wide). According to §24-212(r)(3)(i) of the City Code:

"One monument sign depicting the brand of gasoline and the state pricing signage is permitted. All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) feet and no wider than ten (10) feet."

The applicant has decreased the amount of square footage so that the monument sign is now in compliance with the City's recently adopted Sign Ordinance. The monument sign proposed is 80 square feet (8 feet high and 10 feet wide).

A majority of the signs to be replaced are approximately the same size as the exiting Mobil signage. This includes the signs on the canopies, carwash, and convenience store. These signs are internally lit box signs with opaque backgrounds, to give the appearance that only the letters and/or logos are lit. The same lighting mechanism applies to the monument sign.

Additional changes to the canopies, carwash, and convenience store are the proposed painted fascia bands to be installed. These blue, yellow, orange, and red fascia bands are a part of the Sunoco brand logo (see Exhibit #8). The bands will not be lit. It should be noted that a fascia band will not be installed on the rear elevation of the convenience store, facing Kentlands Boulevard. The only apparent change to this elevation would be a replacement sign (see Exhibit #8, Elevation C).

Staff is requesting the applicant revise the Proposed Sign Schedule (Exhibit #6) to reflect the correct number of "A-Plus building graphics" signs. While the schedule proposes only one, the elevations show the signs in two different locations (the right and left side of the convenience store, Elevations B and D, Exhibit #8). This will increase the total amount of sign square footage to approximately 213 square feet on site (the maximum allowed is 500).

Staff finds AFP-06-010 to be in conformance with Section 24-170, 172, and 212 of the City Code and recommends approval with the following condition:

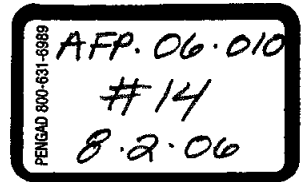
1. The applicant shall revise the sign schedule to reflect the correct number of signs to be located on the property.

DRAFT

Vice Chair Levy moved, seconded by Commissioner Winborne, to grant AFP-06-020 -Hospice Caring at Bohrer Park, AMENDMENT TO FINAL PLAN APPROVAL, with the following condition:

1. Applicant will obtain approval for the drainage system from the Department of Public Works, Park Maintenance and Engineering (DPWPM&E).

Vote: 5-0



AFP-06-010 -- Kentlands Square - Sunoco
121 Kentlands Boulevard
Service Station/Signage Changes
AMENDMENT TO FINAL PLAN REVIEW

MXD Zone

Planner Marsh located the site and introduced this plan for signage and façade changes needed for converting from a Mobil to a Sunoco service station with a carwash.

Attorney for the property owner, John Barr, Esq., provided background information related to the property owner, thanked staff for assistance given, and voiced agreement with the Staff Comments on the application.

Applicant representative Jennifer Ugolich, Core States Engineering, presented the proposed elevations and colored, computer-generated pictures of the proposed canopy and signage for the convenient store, pump island and carwash. She pointed out they incorporated the Sunoco corporate logo and the trade arched sign for the convenience store on its front and rear. She indicated the proposed (10' wide x 8' high) monument sign would include the existing brick base, but modified to meet the current Sign Ordinance as to width and height.

Construction Engineer Clayton McCane, Sunoco, Inc., answered questions of Chair Bauer and Commissioner Winborne about the base of the monument sign and the sign on the back of the building.

There was no testimony from the public.

Planner Marsh stated that staff finds the application in conformance with Zoning Ordinance §§ 24-170, 24-172 and 24-212, subject to the applicant's compliance with a condition that she listed.

Chair Bauer asked for clarification about the color scheme on the canopies not being part of the sign package. Planning and Code Administration Director Ossont responded by identifying the signage and noting that the colored areas do not meet the definition of icon or logo signage. Mr. Ossont pointed out, however, the monument sign does include an icon, which is included in the signage count.

Chair Bauer voiced a concern that the proposed modified monument sign would be of a lesser quality than the existing sign, which had been designed in keeping with the architectural context of the area. He added that the removal of the brick pillars now flanking the sign would be detrimental to the Kentlands Boulevard streetscape. Chair Bauer was also concerned with the arched-shaped signs over the entrances to the convenience store on Elevations A and C, as the signs are proposed under the existing structural barrel arches on both facades in a way that has no direct relationship to each other.

Members of the Commission expressed that the proposal to remove the flanking pillars from the monument sign would detrimentally affect the streetscape, noting that the original pillar design is better because it is harmonious and consistent with the entrance to the community.

Discussion ensued about options within Code stipulations to revise the proposed sign while retaining the columns.

Regarding the concern with the arched-shape signs over the entrances, Mr. McCane pointed out the arched sign is a standard logo to demarcate entrances. Mr. Barr noted the monument sign currently includes a stepped sign and the Kentlands Citizens Assembly has asked to remove the step.

The Commission discussed deferring their decision on this plan to allow the applicant to resolve the monument sign issue.

Vice Chair Levy moved, seconded by Commissioner Winborne, to
DEFER AFP-06-010 -Kentlands Square Sunoco, AMENDMENT TO
FINAL PLAN APPROVAL.

Vote: 5-0

AFP-06-024 -- 609 Lake Varuna Drive
(Young Residence)
285-Sq.Ft. Screened Porch
AMENDMENT TO FINAL PLAN REVIEW

MXD Zone

Planning and Code Administration Director Ossont noted this application was received in June 2006, but the Homeowners Association issued its approval past the Commission's submittal deadline. He added this

moved, seconded by Commissioner , to grant AFP-06-024 - 609
Lake Varuna Drive, AMENDMENT TO FINAL PLAN APPROVAL.

Vote: 5-0

DRAFT

III. FROM THE COMMISSION

Commissioner Winborne

Vice-Chair Levy

Chair Bauer

1. .

2. .

V. FROM STAFF

1. .

VI. ADJOURNMENT



John R. Barr †
Fred L. Coover †

Richard A. Mlynec ††
Gabriel A. Riveros

† Also admitted in District of Columbia
†† Also admitted in Connecticut & Texas

VIA U.S. MAIL AND E-MAIL TRANSFER TO GREGORY OSSONT, DIRECTOR,
DEPARTMENT OF PLANNING AND CODE ADMINISTRATION AT
gossont@gaithersburgmd.gov

July 26, 2006

The Hon. John Bauer, Chair
and the Members of the Planning Commission
City of Gaithersburg
City Hall
31 S Summit Ave
Gaithersburg, MD 20877

Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco

Free-Standing Sign Issues

Request of Adjustment or Approval of Sign Proposal of
July 19, 2006

Gentlemen:

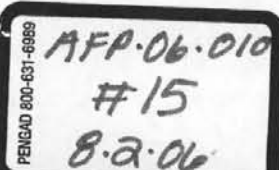
We are counsel to Sunoco, Inc. ("Sunoco")

On July 19, 2006, with a recommendation for approval by the staff of the City's Department of Planning and Code Administration (the "Staff"), Sunoco requested Planning Commission approval of a sign package for the Kentlands' Mobil station in order to re-image the station so that Sunoco products could be sold on those premises.

The request included modifications to the free-standing monument sign for Kentlands' Mobil.

Sunoco had previously purchased the Mobil gasoline stations operating in the Mid-Atlantic region from the Conoco-Phillips company, which had acquired that through a chain of sales from Mobil Oil Corporation; Mobil having had to divest itself of these stations as a result of its merger with Exxon USA, Inc. in 1999.

The redesigned monument sign met the requirements of the City's Sign Ordinance,



The Hon. John Bauer, Chair
and the Members of the Planning Commission

Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco

Free-Standing Sign Issues

Request of Adjustment or Approval of Sign Proposal of July 19, 2006

July 26, 2006

Page 2

particularly Section 24-212(r)(3) governing Service Station monument signs. The proposed sign was proposed to be constructed on the brick base of the existing monument sign initially erected for the Mobil station. That sign, the requirements of which were designed, in part, by others, attempted to follow the architecture of the gateways into the Kentlands' community of the City.

In particular, Sunoco attempted to satisfy the provisions of the Sign Ordinance, regarding the structure supporting the sign as provide in Section 24-209, Definitions:

"Face, sign face. That part of the sign that is or can be used to identify, advertise or communicate information or visual representation that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design."

With the provisions of Section 24-210(a)(1) which provides for square foot computation for signs:

"The area of a sign shall include the entire face of the sign and any wall work incidental to its decoration"

The provisions of Section 24-212(m)(1) which, in part, provides:

One freestanding monument sign ... not exceeding ten (10) feet in width and 8 feet in height from the grade at the base of the sign is permitted"

And the provisions of Section 212(r)(3) which adds specific requirements for gasoline station monument signs.

Sunoco, in order to comply with these requirements, vastly modified the existing brick base removing brick columns on either side of the sign along with several courses of brick from the base (these courses of brick and the columns being included by the Sign Ordinance in the part of the permitted square footage of the sign) in order to reduce no only the height and width of the sign but also to meet the square footage limitations of Section 24-212(r) which specifically govern gasoline station signs.

At the hearing held by the Planning Commission on the new signs for Sunoco Kentlands'

The Hon. John Bauer, Chair

and the Members of the Planning Commission

Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco

Free-Standing Sign Issues

Request of Adjustment or Approval of Sign Proposal of July 19, 2006

July 26, 2006

Page 3

station, the Chair and other Planning Commission members questioned the removal of those portions of the sign which emulated the gateways into the Kentlands' community (that portion of the sign structure emulating the Kentlands' gateways being hereinafter referred to as the "Gateway"), and sought from Staff and Sunoco a way of retaining the brick columns and possibly other portions of the brickwork while finding some method to retain the advertising portions of the monument sign while conforming to the requirements of the Sign Ordinance.

Following a discussion between the Planning Commission members, Staff and representatives of Sunoco, the Planning Commission moved to continue this matter until the Planning Commission's scheduled meeting for August 2, 2006 and to request the Staff and Sunoco to meet and review the matter and seek a solution to the issue.

The Planning Commission indicated in its motion, which was adopted 5-0, that the other signs proposed by Sunoco were approved and that the matter remained open for the monument sign alone.

Beginning on the July 20, 2006 and continuing to the date of this letter, Sunoco's representatives and staff conferred by telephone, and e-mail discussing the requirements of the Sign Ordinance, the suggestions of the Board, and how the two may be reconciled in order to preserve the Gateway.

While it is best for Staff to explain its position to the Planning Commission, Sunoco understands that Staff suggests that Sunoco can rebuild the Gateway so that advertising portions and the brick work meet the requirements on height and width required of monument signs by the Sign Ordinance. Staff has also proposed, by examples, enclosed herewith, that Sunoco retain only one brick column (to be included in the calculation of the size of the sign) or abandon both.

While Sunoco is happy to work with both Staff and the Planning Commission to resolve the questions raised by the Planning Commission and retain the Gateway, the inclusion of the brickwork in any calculation of the size of the sign other than that necessary for the base of the sign is an unacceptable imposition on Sunoco's ability to market its products.

To that end, Sunoco has asked its counsel and civil engineers to carefully and thoughtfully review the provisions of the Sign Ordinance to see if that ordinance places sufficient power and latitude in the Planning Commission to craft a remedy for this unusual situation.

The Hon. John Bauer, Chair
and the Members of the Planning Commission
Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco
Free-Standing Sign Issues
Request of Adjustment or Approval of Sign Proposal of July 19, 2006
July 26, 2006
Page 4

Section 24-213A(f) of the Sign Ordinance provides for "Sign Adjustment." These provisions set out criteria for findings by the Planning Commission, based upon facts, established in a hearing before the Planning Commission, which in the sole determination of the Planning Commission, grant the Planning Commission the power to make adjustments to the strict application of the requirements of the Sign Ordinance in a particular matter.

There is no requirement in the Sign Ordinance or in Maryland law that the facts be so compelling that the need for an adjustment is beyond all doubt, beyond all reasonable doubt or by a preponderance of the evidence. Rather, Maryland law provides that if there is a scintilla (that is a small amount) of evidence that the Planning Commission can base its decision upon, that amount of proof is sufficient to support a finding by the Planning Commission.

The Mayor and Council of the City of Gaithersburg in their creation of the Sign Ordinance recognized that the Planning Commission should have right and power to grant adjustments.

Sunoco proposes to modify the height of the base to be used for its advertising materials on the Gateway to meet the ten (10) foot wide and eight (8) foot high requirements of the Sign Ordinance, and to leave the remaining portions of the brickwork as presently constructed.

In doing so, Sunoco believes, it is meeting the definition requirement of "Face, sign face" because there is no illumination of the brick columns, and they are part of the Gateway and not designed as "ornamentation that is incorporated for the sign design." If the Planning Commission were to make such a finding, there would be no need for an adjustment, approval could be granted, and permits could be issued.

Sunoco would note to the Planning Commission that the Gateway is constructed on the upward side, from Kentlands Boulevard, of a hill which rises approximately four (4) feet to the base of the sign, and another two (2) to three (3) further feet up to the slope to the end of the base, which, thereafter, climbs another foot or so to the base of the foundation for the station building.

This slope can be easily characterized as a steep sloop, and a topographical feature which by its very nature creates the "unnecessary hardship" referred to in Section 24-210(c) on the Sign Ordinance, which deals with the height of signs, and grants to the Planning Commission the power to approve "a sign exceeding the height [limitations] ...pursuant to Section 24-213(f) upon

The Hon. John Bauer, Chair

and the Members of the Planning Commission

Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco

Free-Standing Sign Issues

Request of Adjustment or Approval of Sign Proposal of July 19, 2006

July 26, 2006

Page 5

a finding that an unnecessary hardship will result due to topographic or other physical conditions relating to the property.”

Section 24-213(f) grants the Planning Commission the power to make adjustments from the strict application of the Sign Ordinance “where a literal application ..., due to special circumstances, would result in an unusual hardship in an individual case” To grant an adjustment the Planning Commission must find:

“1. There exists exceptional conditions pertaining to the property where the sign is to be located, as a result of its size, shape or topography, which is not applicable to the other lands or structures in the area.”

The simple fact and difficulty of constructing a monument sign on a steep slope such as is present at this Kentlands' business easily satisfies this requirement.

“2. The applicant would be deprived of rights commonly enjoyed by others similarly situated.”

This condition is easily satisfied by reference to the steep slope on which the present sign is located, a condition not prevalent in the community.

“3. Granting the adjustment would not confer on the applicant any significant privileges that are denied similarly situated.”

When the height of those parts of the sign associated with the Gateway is removed from consideration and the effects of the steep slope are factored into the base and the advertising elements of the sign, it is painfully apparent that rather than gain an advantage, Sunoco's proposed modification of their monument sign remains at a disadvantage to other gasoline station monument signs because a motorist seeing the proposed sign, while traveling at the permitted speed, would have more visual elements to distinguish in the short amount of time permitted, and that the proposed sign would be unnecessarily cluttered by the additional brickwork represented by the Gateway.

“4. Neither the special circumstances nor the unusual hardship is a result of action by the applicant.”

The Hon. John Bauer, Chair

and the Members of the Planning Commission

Re: Conversion of Kentlands' Mobil to Kentlands' Sunoco

Free-Standing Sign Issues

Request of Adjustment or Approval of Sign Proposal of July 19, 2006

July 26, 2006

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Applicant's topography, while created in its present form by the grading of its property, is a natural feature of the land and not a man-made topographical condition. Additionally, the Gateway was constructed at the behest of others for the benefit of the Kentlands' community, not for the benefit of Mobil, Sunoco or any other third party.

"5. The requested adjustment is the minimum adjustment necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated."

In making these proposals to Staff and the Planning Commission, Sunoco seeks no advantage over others similarly situated, its interest in pursuing an adjustment is a response to the interest of the Board in retaining the Gateway.

"6. Granting of the adjustment would not violate more than one standard of the ordinance."

It is Sunoco's understanding that these issues concern the height and width of the proposed sign with regard to the standard of Sections 24-212(m)(1) and 24-212(r)(3), (which repeats the same standard) with regard to height and width of the proposed sign.

"7. Granting the adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic."

The setback of the sign from Kentlands Boulevard is sufficiently distant from that street so that the granting of an adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Supporting the granting of an adjustment in the particular case is the wording of Section 24-212(m)(2) of the Sign Ordinance which provides, in part:

"the Planning Commission upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies, justifies such ... height ... and will not affect the health, safety and welfare of the general public, nor be a hazard to vehicular

The Hon. John Bauer, Chair
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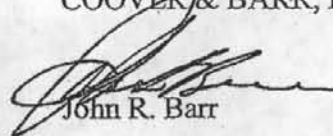
or pedestrian traffic as per subsection 24-213A(f) (the provisions providing for adjustment)."

Given the stated goal of the Planning Commission to retain the Gateway. Given the desire of Sunoco to not surrender its limited sign square footage and given the relief provisions providing for Adjustment, and those granting power to the Planning Commission to vary the strict application of the Sign Ordinance in those situations where an Adjustment would not be a detriment to the community, but would support, enhance and otherwise retain those elements which define particular areas of the City, Sunoco would urge the Planning Commission to adopt a decision in this matter in which the Gateway would be retained in its present form and structure and Sunoco could retain its right to have a monument sign with 80 square feet of advertising signage.

In the alternative, Sunoco would ask the Planning the Planning Commission to approve its, Staff recommended, proposal of July 19, 2006.

Respectfully submitted,

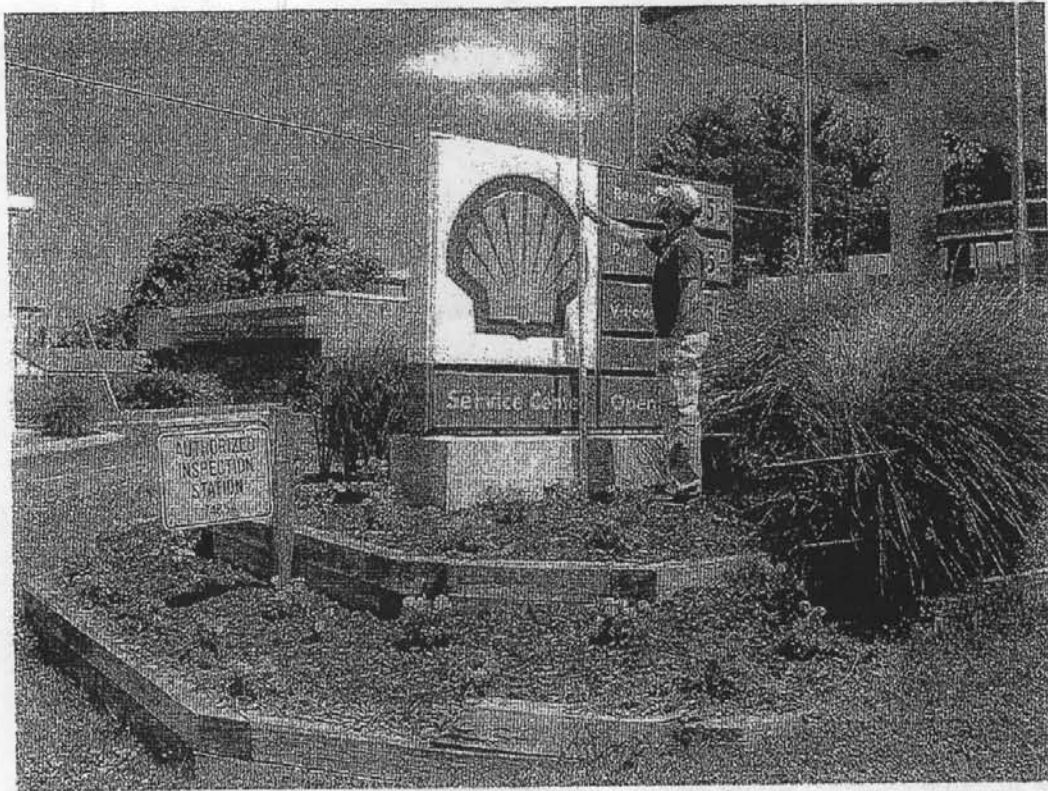
COOVER & BARR, LLC



John R. Barr

enclosure:

cc: Clayton McCane, Sunoco (via e-mail)
Jennifer Ugolick, Core States Engineering (via e-mail)



shall have discretion with respect to the duration of such permits and is authorized to establish conditions for the issuance thereof.

(b) *Sign permit application requirements:* Applications for sign permits shall be filed by the sign owner or his agent in Planning and Code Administration upon forms furnished by said office. The application, which may be modified from time to time, shall describe and set forth such information as to fulfill the requirements of this article and shall generally include the type, size, location, and materials of the sign and its supporting structure; the name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and written consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign.

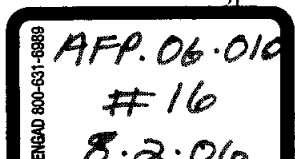
(c) *Compliance with codes:* All signs shall comply with relevant requirements of the city building code, the Maryland High Voltage Line Act, and if they contain electrical components, shall additionally comply with the requirements of the city electrical code.

(d) *Denial or revocation of permits:* If the city manager, or designee, shall deny any application for such a permit or revoke or suspend a permit, the applicant may seek administrative review of such denial by the board of appeals, pursuant to the provisions of article VII of this chapter, which shall have the power to order the issuance of the permit or sustain the decision of the city manager, or designee.

(e) *Permits for temporary signs:* Permits issued for the erection and placement of temporary signs may, by resolution of the city council, be required to be secured by cash deposit, letter of credit or bond to reimburse the city for the cost of removal of such signs where said signs are in violation of their permits, the provisions of this article or any lawful directive of the city manager, or designee, with respect thereto. The provisions of this subsection 24-213A(e) shall not apply to nonprofit organizations or community groups. The city manager, or designee, is authorized to forfeit any deposit, letter of credit or bond upon written notice to the permittee or owner of the sign.

→ (f) *Sign adjustments:* Where a literal application of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, an adjustment may be granted by the planning commission provided that such adjustment would not cause a detriment to the health, safety and welfare of the public, upon a finding that:

- (1) There exist exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area; and
- (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and
- (3) Granting the adjustment would not confer on the applicant any significant privileges that are denied to others similarly situated; and



- (4) Neither the special circumstances nor unusual hardship is the result of action by the applicant; and
- (5) The requested adjustment is the minimum adjustment necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated; and
- (6) Granting of the adjustment would not violate more than one standard of this ordinance; and
- (7) Granting the adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Sec. 24-213B. Enforcement and penalties.

(a) *Enforcement:* The city manager, or designee, is hereby authorized and directed to enforce all of the provisions of this article.

- (1) Upon presentation of proper credentials, the city manager, or designee, may enter, at reasonable times, any building, structure, property or premises in the city to perform any duty imposed upon the city manager, or designee, by this article.
- (2) The city manager, or designee, is authorized to promulgate rules, regulations and interpretations with respect to the location, erection, maintenance and removal of signs which are not inconsistent with the provisions of this article.
- (3) The city manager, or designee, is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.

(b) *Sign maintenance:*

- (1) All signs and components thereof shall be maintained in good appearance, repair and condition by the owner or permittee of the sign against breakage, material discoloration and defects in or omission of material components.
- (2) Signs may be declared unsafe by the city manager, or designee, and subject to removal as provided in subsection 24-213B(c) if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.